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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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AM-GSR HOLDINGS, LLC, a Nevada limited  
liability company,

Plaintiff,

vs.

DARREN HUNG TRUONG, and FLAGSTAR  
BANK, FSB,

Defendants.

CASE NO. 3:17-cv-344-RCJ-VPC

**JOINT REQUEST TO EXTEND  
DEADLINES AND [PROPOSED]  
SCHEDULING ORDER  
(FIRST REQUEST)**

Plaintiff AM-GSR Holdings, LLC ("Plaintiff") and Defendant Flagstar Bank, FSB ("Flagstar"), hereby submit to the Court the following Joint Request to Extend Deadlines and [Proposed] Scheduling Order pursuant Local Rule 26-4.

**1. Procedural History**

On June 14, 2017, counsel for the Plaintiff and Flagstar participated in a telephonic conference to discuss the issues required by LR 26-1(b) and FRCP 26(f).

On June 28, 2017, counsel for Plaintiff and Flagstar filed a Stipulated Discovery Plan and Proposed Scheduling Order.

On July 3, 2017, Flagstar served its FRCP 26 Initial Disclosures.

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On July 3, 2017, counsel for Flagstar advised counsel for Plaintiff that Flagstar did not have record of having received Plaintiff's FRCP 26 Disclosures.

On July 26, 2017, this Court entered its Minutes of Proceedings setting various deadlines in the matter.

On October 13, 2017, Flagstar subpoenaed documents from Alessi & Koenig, LLC.

On October 19, 2017, Flagstar served its First Supplemental Disclosure of Documents.

On October 19, 2017, counsel for Flagstar advised counsel for Plaintiff that Flagstar did not have a record of having received Plaintiff's FRCP 26 Disclosures. Counsel for Flagstar requested that Plaintiff comply with FRCP 26.

On December 20, 2017, counsel for Flagstar sent notice of Plaintiff's counsel requesting a meet and confer due to the fact that Plaintiff had not served its FRCP 26 Disclosures.

On December 27, 2017, counsel for Flagstar sent a second request to Plaintiff's counsel for a meet and confer due to the fact that Plaintiff had not served its FRCP 26 Disclosures.

On December 30, 2017, counsel for Plaintiff served its FRCP 26 Initial Disclosures and agreed to continue discovery to address the prejudice to Flagstar.

As such, the parties request that this Court enter an order extending the discovery cut-off in this case. It is respectfully submitted that Flagstar's attempts to address Plaintiff's noncompliance without involving this Court by filing a Motion, constitutes good cause to extend the deadlines.

## **2. Information Required by LR-26-4**

### **A. Discovery completed:**

As required by Federal Rule of Civil Procedure 26(f) and Local Rule 26-1(d), a 26(f), on June 14, 2017, counsel for the Plaintiff and Flagstar participated in a telephonic conference to discuss the issues required by LR 26-1(b) and FRCP 26(f).

On July 3, 2017, Flagstar served its FRCP 26 Initial Disclosures.

On October 13, 2017, Flagstar subpoenaed documents from Alessi & Koenig, LLC.

On October 19, 2017, Flagstar served its First Supplemental Disclosure of Documents.

On December 30, 2017, counsel for Plaintiff served its FRCP 26 Initial Disclosures and

1 agreed to continue discovery to address the prejudice to Flagstar.

2 **B. Discovery that remains to be completed:**

3 Counsel for Flagstar anticipates deposing an FRCP 30(b)(6) designee for Plaintiff and the  
4 FRCP 30(b)(6) designee for Grand Sierra Resort Unit-Owners' Association and then filing a  
5 Motion for Summary Judgment.

6 **C. Reasons why deadlines should be extended**

7 As discussed above, counsel for Flagstar made several attempts to address Plaintiff's  
8 noncompliance with FRCP 26, without involving this Court by filing a Motion. New counsel for  
9 the Plaintiff is now involved in this action and is working in good faith to comply with this  
10 Court's discovery rules.

11 **D. Proposed schedule:**

- 12 a. **Discovery Cut-Off Date.** The cut-off for completion of discovery will be  
13 **April 27, 2018.**
- 14 b. **Amending the Pleading and Adding Parties.** The last date for filing a  
15 motion to amend the pleadings or add parties has expired.
- 16 c. **Expert Disclosures.** The last date for filing a motion to amend the  
17 pleadings or add parties has expired.
- 18 d. **Dispositive Motions.** Dispositive motions shall be filed thirty (30) days  
19 after the completion of discovery on **May 28, 2018.**
- 20 e. **Motion *in Limine*.** Pursuant to L.R. 16-3(b), any motions *in limine* shall  
21 be filed and served thirty (30) days prior to the commencement of trial and  
22 oppositions shall be served fourteen (14) days thereafter. Reply briefs will  
23 only be allowed by leave of the court.
- 24 f. **Joint Pretrial Order.** The Joint Pretrial Order shall be filed by **June 27,**  
25 **2018,** if no dispositive motions are filed. If any dispositive motions are  
26 filed, the Joint Pretrial Order shall be filed within thirty (30) days after the  
27 last decision on the merits.

**g. Anticipated Length of Trial.** The parties anticipate the length of the trial to be two (2) days.

**E. Interim Status Report.** The parties shall file an interim status report sixty (60) days before the discovery cut-off on **February, 2018**.

**F. Extensions or Modifications of the Discovery Plan and Scheduling Order.**

Any further stipulation or motion for modification or extension of this discovery plan and scheduling order must be supported by a showing of good cause for the extension and must be made no later than twenty-one (21) days before the expiration of the subject deadline.

Dated this 8<sup>th</sup> day of January, 2018

Dated this 8<sup>th</sup> day of January, 2018

**COHEN JOHNSON PARKER EDWARDS**

**KOLESAR & LEATHAM**

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Attorneys for Defendant Flagstar Bank, FSB

**IT IS SO ORDERED:**

UNITED STATES MAGISTRATE JUDGE

DATED: \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Kolesar & Leatham, and that on the 8<sup>th</sup> day of January, 2018, I caused to be served a true and correct copy of foregoing **JOINT REQUEST TO EXTEND DEADLINES AND [PROPOSED] SCHEDULING ORDER** in the following manner:

(ELECTRONIC SERVICE) Pursuant to Rule 5-4 of the Local Rules of Civil Practice of the United States District Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electric Filing automatically generated by that Court's facilities.

(UNITED STATES MAIL) By depositing a copy of the above-referenced document for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, to the parties listed below at their last-known mailing addresses, on the date above written:

Darren Hung Truong  
PO Box 610444,  
San Jose, CA 95161

/s/ Susan Owens  
An Employee of KOLESAR & LEATHAM